



Secretary of State

Professional Licensing Boards Division
237 Coliseum Dr., Macon, GA 31217
www.sos.ga.gov

Instructions for Completing a Petition for Rule Variance or Waiver

O.C.G.A. § 50-13-9.1 allows for applicants and/or entities to petition a Professional Licensing Board to vary (modify) or waive (not apply) all or part of a rule requirement for the petitioner. In order for a rule or portion thereof to be varied or waived, the petitioner must be able to demonstrate that strict application of the rule can lead to unreasonable, uneconomical, and unintended results in the petitioner's particular instance.

The statute also allows for the Professional Licensing Board to grant a variance or waiver when the petitioner is able to demonstrate that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means which are agreeable to the person seeking the variance or waiver, and that strict application of the rule would create a substantial hardship to such person.

The following steps must be taken in order for the petition to be considered by the Board:

(1) *Submit a complete Petition for Rule Variance or Waiver Form which includes:*

- (a) the specific Board Rule Chapter, Number, Title, and Paragraph(s) from which the variance or waiver is requested;
- (b) if the action requested is a WAIVER or a VARIANCE;
- (c) the **specific facts of substantial hardship** which would justify a variance or waiver for the petitioner, **including the alternative standards** which the person seeking the variance or waiver agrees to meet and a showing that such alternative standards will afford adequate protection for the public health, safety, and welfare; and
- (d) the reason why the variance or waiver requested would serve the purpose of the underlying statute.

(2) *It is the petitioner's responsibility to submit the petition along with any documentation that the petitioner desires to be considered by the Board.* Staff will not pull documents from an application to support the petition.

NOTE **A failure to follow the above instructions may result in the denial of the petition due to insufficient evidence to substantiate a hardship.

The petition will be posted for a minimum of fifteen (15) days on the **GeorgiaNet Public Registry**. Petitioners may conduct a search for their petition at <http://services.georgia.gov/sos/sos-rw/searchHome.do>. Please note that members of the public, including interested parties, shall have the opportunity to submit written comments in support of or against proposed variances or waivers prior to the Board decision. The Board has up to sixty (60) days from receipt of the petition to render a decision to either grant or deny the petition. The petitioner will be notified in writing of the Board's decision, and the written statement will include relevant facts and the reasons for the Board's action.

A Board's denial of a petition for variance or waiver is subject to judicial review in accordance with O.C.G.A. § 50-13-19. Please review this statute if you desire to dispute the Board's decision. The validity of any variance or waiver which is granted by an agency may be determined in an action for declaratory judgment in accordance with Code Section 50-13-10.



Secretary of State

Professional Licensing Boards Division

237 Coliseum Dr., Macon, GA 31217

<http://sos.georgia.gov/plb/>

PETITION FOR VARIANCE OR WAIVER

Petitioner / Licensee / Applicant Information:

Name: _____ Telephone #: _____

Address: _____

(City) _____ (State) _____ (Zip) _____

Agent: _____
(Name of agent filling petition if licensee is a corporation)

Licensing Board: _____

License #: _____ Type of License: _____

O.C.G.A. § 50-13-9.1(c) requires that a register of all pending requests for and of all approved variances / waivers be posted on GeorgiaNet.

I hereby petition the _____ for the following action (select one):
(name of Professional Licensing Board being petitioned)



Variance (if you are requesting that a rule be MODIFIED in your particular situation)



Waiver (if you are requesting that a rule, or part of a rule, NOT BE APPLIED to your particular situation)

➤ **Petitioner must provide the following information (attach additional pages if needed):**

1. If an attorney or other representative will assist you with this petition, please identify:

Name: _____ Telephone #: _____

Address: _____

2. State the specific Rule from which this variance or waiver is requested: _____

3. State how strict application of the Rule identified in #2 above would create a substantial hardship for you that would justify the Board granting this variance or waiver. The term "substantial hardship" means a significant, unique, and demonstrable economic, legal, technological or other type of hardship which would impair your ability to continue to function in our profession.

4. State the alternative standards you agree to meet and describe how such alternative standards will afford adequate protection for the public health, safety, and welfare.

5. The Rule identified in #2 was enacted to serve the purpose of an underlying Statute. State how this variance or waiver, if granted, will still serve the purpose of the underlying statute. You may wish to refer to a copy of the laws and rules which can be located at: <http://sos.georgia.gov/plb/>

Print Name: _____

Signature: _____ Date: _____

Mail the completed application to:

Professional Licensing Boards Division

Name of Board: _____

237 Coliseum Dr.

Macon, GA 31217

FOR OFFICE USE ONLY:

Date petition received: ____/____/____ Date petition posted: ____/____/____

Scheduled review date: ____/____/____ Actual review date: ____/____/____

Board's decision: ____/____/____ Date decision posted: ____/____/____

Date petitioner notified of decision: ____/____/____